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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,912	10/19/2001	Masashi Fujimoto	320153/00	7291

7590 09/22/2003

McGinn & Gibb, PLLC  
Suite 200  
8321 Old Courthouse Road  
Vienna, VA 22182-3817

[REDACTED] EXAMINER

ESPLIN, DAVID B

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/981,912	FUJIMOTO, MASASHI
	Examiner D. Ben Esplin	Art Unit 2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) 1-18 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.	6) <input type="checkbox"/> Other: ____.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 5/17/02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Objections***

Claims 1-18 are objected to because of the following informalities:

The independent claims 1, 9, and 14 state all include the limitation that at least one of at least two line patterns of an exposure pattern disappears. From the drawings, the exposure patterns PS, are made up of line patterns (P01-P16 of FIG. 2, for example). At no point in the description of the drawings, or in the drawings is it asserted that an entire line pattern disappears. Instead, only a single line within the line pattern disappears (see, for example FIGS. 5(b)-5(e)). This inconsistency with the plain meaning of the limitation calling for a line pattern to disappear creates an ambiguity in the scope of these claims. For examination purposes, it has been assumed that only a portion of the line pattern must disappear, and not the entire pattern.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,296,977 to Kaise et al.

Kaise discloses a method for measuring a coma aberration in an optical system with a projection optical system including illuminating with light a mask (mask MS of FIG. 18) that is provided with a evaluation pattern having at least two light-impermeable line patterns (see FIG. 12 as described by col. 26 lines 50-53); leading the light through said mask to said projection optical system (projection lens system 302) and exposing a target (wafer WF) with an output from said projection optical system to create on said target a plurality of transferred patterns each based on said evaluation pattern (col. 26 line 54 – col. 27 line 9); detecting (col. 14 lines 13-20) which one or ones among said transferred patterns is brought into state that any one of said two light-impermeable line patterns disappears (col. 17 lines 11-18); and evaluating a coma aberration in said projection optical system according to a result of said detecting (col. 12 lines 55-64). Further, Kaise FIG. 12 shows a mask including line patterns that are different from each other. Still further, Kaise teaches that exposure should take place multiple times at multiple exposure amounts (col. 17 lines 6-11).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,613,483 to Fujimoto discloses a mask for measuring optical aberration including an exposure pattern with line patterns that change in width depending on the optical performance of a projection optical system.

U.S. Patent No. 6,323,945 to Saito discloses a coma aberration measuring method including the measuring of the disappearance of line patterns to measure the extent of comatic aberration present.

U.S. Patent No. 4,908,656 to Sawa et al. discloses a method for determining optical aberration in a projection optical system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Ben Esplin whose telephone number is (703) 305-4022. The examiner can normally be reached on Mon.-Fri. (8am-4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DBE

  
RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800